

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

STS REFILLS, LLC,

Plaintiff,

v.

RIVERS PRINTING SOLUTIONS, INC.,
THOMAS E. RIVERS, and
CATHY RIVERS,

Defendants.

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CIVIL ACTION NO. 3:10-CV-43
JUDGE KIM R. GIBSON

CONFERENCE MEMO

Conference: Status Conference
Before Judge: Kim R. Gibson on 6/3/13

Jeffrey W. Miller
Appearing for Plaintiff

David A. Nernberg
Appearing for Defendant

10:00 a.m.
Conference Began

10:15 a.m.
Conference Concluded

KF
Law Clerk

Kimberly Spangler
Court Reporter

A status conference was held with counsel appearing telephonically. The parties entered their appearances and the Court inquired as to the parties' readiness for trial. Counsel for both parties stated that they were ready for trial. The Court noted that the trial was limited in terms of issues, the triable issue being whether Defendants must proceed to trial on matters related to the Wilmington Agreement. Both parties agreed that this was the issue for trial. The parties also informed the Court that they already proceed to arbitration on the other agreement also addressed in this Court's previous Summary Judgment Opinion.

The Court requested that the parties estimate the length of the presentation of their case. Both Counsel estimated that the presentation of their case would take approximately one hour and Plaintiff's Counsel further indicated that depending on the Defendants' case, Plaintiff may call a rebuttal witness, whose testimony would likely not exceed a half hour.

The Court then inquired how long the parties would need to prepare their Proposed Findings of Fact and Conclusions of Law. Plaintiff's Counsel requested 14 days to submit his Proposed Findings of Fact and Conclusions of Law. Neither party indicated a preference with regard to whether the time to submit Proposed Findings of Fact and Conclusions of Law would be calculated from the close of trial or from the date the transcript is filed. The Court noted that this would be decided upon conclusion of the trial.

Counsel for the Defendants' then noted that he had not received a witness list or offers of proof. Plaintiff's Counsel stated that he would send the information to Defendants' Counsel today and noted that the witness list is the same as the witness list from the arbitration proceeding held on the related agreement. As there were no further issues to discuss, the conference was concluded.